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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,508	10/17/2001	David Thompson	BRDC:037	7213

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EXAMINER
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ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/982,508	THOMPSON ET AL.
	Examiner	Art Unit	
	Kenny Lin	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 April 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3,5,6 and 8-9, 11-16* is/are pending in the application.

    4a) Of the above claim(s) *13 and 14* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3,5,6,8-12,15 and 16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-3, 5-6, 8-9 and 11-16 are presented for examination. Claims 4, 7 and 10 are

canceled. Claims 13-14 are withdrawn.

Election/Restrictions

2.   This application contains claims 13-14 drawn to an invention nonelected with traverse in

Paper dated on. 4/14/2006. A complete reply to the final rejection must include cancellation of

nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Specification

3.   The disclosure is objected to because of the following informalities: The cress-references

listed on page 1 of the specification with incorrect dates of October 16, 2000 should be corrected.

Appropriate correction is required to correct all "October 16, 2000" to "October 17, 2000".

Priority

4.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or

under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or

more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119 (e) as

follows:

   a. Application is denied of prior effective filing of provisional applications:

      Application No. 60/177,329, filed on 1/21/2000; Application No. 60/180,649,

      filed on 2/7/2000; and Application No. 60/220,730, filed on 7/26/2000; because

the current application is filed more than 12 months after the filing of the

provisional applications.

b. Application is denied of prior effective filing of prior patent application:

Application No. 08/852,557, filed on 5/7/1997; since Application No. 08/852,557,

was not a pending application (patent issued) at the time the current application is

filed.

For the reasons above, this application does not receive the benefit of earlier effective

filing date of 5/7/1997, 1/21/2000, 2/7/2000 or 7/26/2000.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

6.   Claims 1-3, 5-6 and 8-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. Nowhere in the specification suggested or disclosed to reduce the number of

receipt acknowledgements communications otherwise required under the standard protocols.

Although the specification disclose the use of email server responding with an

acknowledgement, the specification fail to suggest to reduce the number of receipt

acknowledgements.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by McCormick et

al (McCormick), US 6,421,709.

9.   As per claim 15, McCormick taught the invention as claimed including a method of

limiting bandwidth usage in wireless communications, comprising the step of:

      a. Discriminating select data from among an aggregate of data to be communicated

          (col.2, lines 50-60, col.4, lines 17-27, 30-32, col.6, lines 64-67, col.7, lines 1-3, 6-

          25); and

      b. Wirelessly transmitting the select data based on the step of discriminating, and not

          other of the aggregated data (col.3, lines 63-67, col.4, lines 1-7, col.9, lines 14-20,

          56-60: filtered data are not transmitted to the user).

10.   As per claim 16, McCormick taught the invention as claimed in claim 15. McCormick

further taught that the step of discriminating: is performed via an interface at a client device

intended to receive the wireless communication from a server (col.7, lines 26-54, col.9, lines 14-

20, 56-60), comprises the step of distinguishing between data types, and is controllable by the

client device via the interface (col.4, lines 12-27, 30-32, col.6, lines 64-67, col.7, lines 1-3, 6-25;

fig.2).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

12.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frame, US

6,982,702, in view of Mousseau et al (Mousseau), US 6,477,529.

13.   As per claim 11, Frame taught the invention substantially as claimed including a wireless

communication network, including a wireless link, comprising:

> a. A server (col.8, lines 1-3)
>
> b. A client (figs.1 and 3; 14);
>
> c. An interface communicatively connected to the server and communicatively
>
>   connected to the client (fig.3, 76), comprising:

    i. A wireless data receiver (fig.3; 46, 64), for receiving a packetized

    information over the wireless link (col.5, lines 48-52: radio frequency

    link);

    ii. A wireless data transmitter (fig.3; 48, 62), for transmitting a packetized

    information over the wireless link (col.5, lines 48-52: radio frequency

    link);

    iii. A data limiter (fig.3; 70), connected to the wireless data receiver and the

    wireless data transmitter, for discriminating among various of the

    packetized information (col.6, lines 17-20: decoding);

    iv. Wherein the data limiter to reduce packetized information to be

    transmitted by the wireless data transmitter to the wireless data receiver in

    order to limit utilization of the wireless link (col.7, lines 11-26).

14.   Frame did not specifically teach the data limiter to dictates whether any particular portion

of the packetized information is not to be transmitted by the wireless data transmitter to the

wireless data receiver in order to limit utilization of the wireless link. Mousseau taught to

implement a data limiter such as a data compressing module or data filtering module with data

transmitter to dictate whether any particular portion of the packetized information is not to be

transmitted by the wireless data transmitter to the wireless data receiver in order to limit

utilization of the wireless link (col.4, lines 65-67, col.5, lines 1-13). It would have been obvious

to one of ordinary skill in the art at the time the invention was made to combine the teachings of

Frame and Mousseau because Mousseau's teaching of the use of data compressing module and

data filter module enables Frame's network to filter out unwanted packets specified by a user's

requirement or compress data packets by removing the redundancies in the data packets.

15.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frame and

Mousseau as applied to claim 11 above, and further in view of Official Notice.

16.   As per claim 12, Frame taught the invention substantially as claimed in claim 11. Frame

further taught that the limiter is a data decompressor (col.7, lines 10-26). Mousseau further

taught that the data limiter is selected form the group consisting of: data filter, data compressor,

data translator, selector of data to be communicated wirelessly from the server to the client,

selector of data to be communicated wirelessly from the client to the server, controller of the

sever to limit data communicated wirelessly from the sever to the client, controller of the client

to limit data communicated wirelessly from the client to the server, and discriminator of data,

data types, data packet size, data quantity, data packet header, data packet identifier, or data

packet content (col.4, lines 35-37, 59-67, col.5, lines 1-13). It would have been obvious to one

of ordinary skill in the art at the time the invention was made to combine the teachings of Frame

and Mousseau because Mousseau's teaching of the use of data compressing module and data

filter module enables Frame's network to filter out unwanted packets specified by a user's

requirement or compress data packets by removing the redundancies in the data packets.

17.   Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrol,

US 6,654,360, in view of Peng, US 2001/0042099, Khanna et al (Khanna), US 6,609,151, and

Dunning et al (Dunning), US 6,760,307.

18.   Abrol was cited in the previous office action.

19.   As per claim 1, Abrol taught the invention substantially as claimed including a wireless

communications network, comprising:

   a. A wired packetized data network, communicatively operable via standard

       protocols for communication of an e-mail message comprised of multiple data

       packets, wherein the standard protocol includes a number of receipt

       acknowledgement communications to ensure effective receipt of the multiple data

       packets of e-mail message (col.2, lines 10-16, col.5, lines 2-5, 11-22; packet data

       network 118, col.9, lines 59-62);

   b. A wireless packetized data channel (col.4, line 67, col.5, lines 1-5; wireless

       communication channel 122);

   c. An e-mail server communicatively connected to the wired network and the

       wireless channel (col.2, lines 11-16);

   d. A client device communicatively connected to the wireless channel (fig.1, col.5,

       lines 11-16, laptop computer 102);

      e. An e-mail application operable at the client device, for processing the e-mail

message of the multiple data packets received in communications between the e-

mail server and the client device (col.3, lines 19-33, col.9, lines 59-62); and

      f. An interface communicatively connected to the e-mail server and the client device

(416).

20.   Abrol did not specifically teach that the interface effects wireless channel

communications between the e-mail server and the client device via specialized protocols, to

reduce wireless channel bandwidth utilized in communicating the e-mail message between the e-

mail server and the client device; wherein the specialized protocols effectively communicate the

e-mail message on the wireless channel between the e-mail server and the client device, by

reducing a number of receipt acknowledgement communications otherwise required under the

standard protocols and re-communicate only any ones of the multiple data packets of the e-mail

message not wholly and correctly received. Peng taught an interface communicatively

connected to the e-mail server and the client device for optimizing wireless channel

communications between the e-mail server and the client device in communication of an e-mail

message (pp. 0004, 0007, 0009-0011, 0021, 0029, 0040). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the teachings of Abrol and

Peng because Peng's teachings of optimizing communications enables Abrol's wireless network

to effectively utilize bandwidth and provide better traffic control (see Peng, pp. 0007-0008).

Abrol and Peng did not specifically teach to optimize by reducing a number of receipt

acknowledgement communications between the e-mail server and the client device over the

wireless channel, and yet receipt is assured of the entirety of the e-mail message so

communicated. Khanna taught to reduce the number of receipt acknowledgement

communications between devices and yet receipt is assured of the entirety of the packet

communicated to optimize communication speed (col.6, lines 31-48). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine the

teachings of Abrol, Peng and Khanna because Khanna's teaching of reducing the number or

frequency of receipt acknowledgements increase the speed for Abrol and Peng's wireless

network to communicate between the computers and minimize delays (see Khanna, col.6, lines

31-48).

21.   Abrol, Peng and Khanna did not specifically teach to re-communicate only any ones of

the multiple data packets of the e-mail message not wholly and correctly received. Dunning

taught to retransmit only the packets received in error to eliminate unnecessary retransmissions

(col.2, lines 41-53). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Abrol, Peng, Khanna and Dunning because

Dunning's teaching of retransmission only the error packets helps Abrol, Peng and Khanna's

network to eliminate unnecessary retransmissions and reduce bandwidth requirements (see

Dunning, col.2, lines 41-53).

22.   As per claim 2, Abrol, Peng, Khanna and Dunning taught the invention substantially as

claimed in claim 1. Abrol further taught that the e-mail application is an e-mail client software

residing on the client device and complying with standard e-mail messenger operation (col.3, lines 19-33, col.9, lines 59-62).

23. As per claim 3, Abrol, Peng, Khanna and Dunning taught the invention substantially as claimed in claim 2. Abrol further taught that the e-mail server and the client device communicate over the wireless channel via IP network protocols (col.1, lines 63-67, col.2, lines 1-16, col.4, lines 65-67, col.5, lines 1-22).

24. As per claim 5, Abrol, Peng, Khanna and Dunning taught the invention substantially as claimed in claim 1. Abrol further taught that the wired network comprising the Internet (col.5, lines 11-22).

25. As per claim 6, Abrol, Peng, Khanna and Dunning taught the invention substantially as claimed in claim 1. Abrol further taught that the wireless channel is cellular (col.6, lines 34-45).

26. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrol, US 6,654,360, in view of Khanna et al (Khanna), US 6,609,151, and Dunning et al (Dunning), US 6,760,307.

27. As per claim 8, Abrol taught the invention substantially as claimed including a method of wireless communications, comprising the steps of:

    a. Sending an e-mail message comprised of multiple data packet by a first wireless

       communication device over a wireless network (col.2, lines 10-16, col.5, lines 2-

       5, 11-22; packet data network 118, col.6, lines 43-49, 60-67, col.9, lines 55-62,

       col.10, lines 12-15);

    b. Receiving the message comprised of the multiple data packets by a second

       wireless communication device (col.10, lines 30-44).

28.   Abrol did not specifically teach to reduce a bandwidth of the wireless network required

for the steps of sending and receiving; and wherein the step of reducing comprises the steps of:

reducing a number of receipt acknowledgement communications between the second wireless

communications device and the first wireless communication device over the wireless network

and re-sending only any ones of the multiple data packets not wholly and correctly received in

the step of receiving. Khanna taught to reduce the number of receipt acknowledgement

communications between devices to optimize communication speed (col.6, lines 31-48). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine the teachings of Abrol and Khanna because Khanna's teaching of reducing the number

or frequency of receipt acknowledgements increase the speed for Abrol's wireless network to

communicate between the computers and minimize delays (see Khanna, col.6, lines 31-48).

29.   Abrol and Khanna did not specifically teach to re-communicate only any ones of the

multiple data packets of the e-mail message not wholly and correctly received. Dunning taught

to retransmit only the packets received in error to eliminate unnecessary retransmissions (col.2,

lines 41-53). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Abrol, Khanna and Dunning because Dunning's

teaching of retransmission only the error packets helps Abrol and Khanna's network to eliminate

unnecessary retransmissions and reduce bandwidth requirements (see Dunning, col.2, lines 41-

53).

30.   As per claim 9, Abrol, Khanna and Dunning taught the invention substantially as claimed

in claim 8. Abrol further taught that the steps of sending and receiving are performed via

Internet Protocol (col.1, lines 63-67, col.2, lines 1-16, col.4, lines 65-67, col.5, lines 1-22).

Response to Arguments

31.   Applicant's arguments with respect to claims 1-3, 5-6, 8-9 and 11-12 have been

considered but are moot in view of the new ground(s) of rejection.

32.   Applicant's arguments filed on 4/14/2006 regarding claims 15-16 have been fully

considered but they are not persuasive.

33.   In the remark, applicant argued (1) McCormack does not address limiting what is

transmitted; but only after the data is received does McCormack provide any data

limiting/screening capability.

34.   Examiner traverse the argument:

As to point (1), McCormack taught that the email is first filtered at the mail server before

distributed to the end user's mailbox (col.9, lines 14-20). McCormack taught to then further

filter the mail in the mailbox before the user access them (col.9, lines 19-22). Therefore,

McCormack not only teach that the selected data (filtered at the mail server) is transmitted

(distributed), but also that the received data is limited again by another data filter (filter the user

mailbox).

Conclusion

35.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Liu, US 6,980,537.

36.   A shortened statutory period for reply to this Office action is set to expire THREE

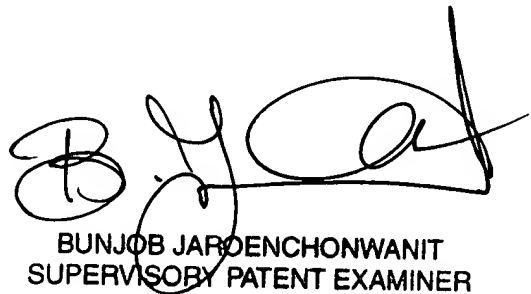MONTHS from the mailing date of this action.

37.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The

examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
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SUPERVISORY PATENT EXAMINER